
By: Montgomery County Delegation

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**
3 **(Code Revised - Multiple Licenses)**
4 **MC 703-97**

5 FOR the purpose of revising, without substantive change, the provisions of law that relate
6 to multiple alcoholic beverages licenses in Montgomery County; and generally
7 relating to alcoholic beverages in Montgomery County.

8 BY renumbering

9 Article 2B - Alcoholic Beverages
10 Section 9-102(a-3)
11 to be Section 9-102.2
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

14 BY repealing

15 Article 2B - Alcoholic Beverages
16 Section 9-102(a-2)
17 Annotated Code of Maryland
18 (1996 Replacement Volume)

19 BY adding to

20 Article 2B - Alcoholic Beverages
21 Section 9-102.1
22 Annotated Code of Maryland
23 (1996 Replacement Volume)

24 BY repealing and reenacting, with amendments,

25 Article 2B - Alcoholic Beverages
26 Section 9-102.2
27 Annotated Code of Maryland
28 (1996 Replacement Volume)
29 (As enacted by Section 1 of this Act)

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 9-102(a-3) of Article 2B of the Annotated Code of
3 Maryland be renumbered to be Section(s) 9-102.2.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article 2B - Alcoholic Beverages**

7 9-102.

8 [(a-2) (1) Notwithstanding any other provision of this section, in Montgomery
9 County the holder of a Class B (on-sale - hotels and restaurants) beer, wine and liquor
10 license under this article, by making application in the regular manner and paying the
11 usual fee, may obtain the additional Class B (on-sale - hotels and restaurants) beer, wine
12 and liquor licenses authorized by this subsection.

13 (2) A license holder whose principal place of business is located in the State
14 of Maryland and who has been a Class B license holder in Montgomery County for a
15 minimum of 3 years, may obtain one additional Class B (on-sale - hotels and restaurants)
16 beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as
17 defined by the rules and regulations of the Board of Liquor License Commissioners for
18 Montgomery County. The restaurant shall have a capital investment of not less than
19 \$250,000 for restaurant facilities, which sum may not include the cost of land or buildings,
20 and shall have a minimum seating capacity of 125 persons. The granting of this additional
21 license is limited and restricted to the purpose of providing alcoholic beverages for
22 consumption on the licensed premises only; off-sale privileges may not be exercised.

23 (3) A license holder may obtain additional Class B (on-sale - hotels and
24 restaurants) beer, wine and liquor licenses for premises operated as a public hotel which
25 meet the minimum requirements identical to those described in § 6-201(a)(3) of this
26 article, except, if the capital investment in the hotel exceeds \$3,000,000, the building
27 height and elevator requirements provided in § 6-201(a)(3) of this article do not apply
28 and the minimum restaurant area seating capacity provided for in § 6-201(a)(3) of this
29 article shall be 100 persons.

30 (4) This subsection does not permit the issuance to a person or for the use
31 of any partnership, corporation, unincorporated association, or limited liability company
32 in Montgomery County of more than 2 licenses for restaurants.

33 (5) Transferred.

34 (6) (i) In Montgomery County, a person who holds a Class B beer, wine
35 and liquor license may be issued 1 additional Class B beer, wine and liquor license for use
36 in a restaurant if the restaurant is located:

37 1. Within an enclosed retail mall having at least 250,000 square
38 feet of gross floor area; and

39 2. Within CBD zoned property in Silver Spring.

40 (ii) The Montgomery County Board of License Commissioners may
41 not grant more than 2 exemptions under this paragraph.

3

1 (7) (i) Notwithstanding any other provision of this subsection, in
2 Montgomery County, a person who holds a Class B beer, wine and liquor license may be
3 issued one additional Class B beer, wine and liquor license for use in a restaurant if the
4 restaurant is located within:

- 5 1. CBD zoned property within the Rockville Town Center
6 mixed use district; or
- 7 2. An enclosed retail mall having at least 700,000 square feet of
8 gross floor area.

9 (ii) The Montgomery County Board of License Commissioners may
10 not grant under this paragraph more than:

- 11 1. Two exemptions for use in the Rockville Town Center mixed
12 use district; and
- 13 2. One exemption for use in each retail mall described in
14 subparagraph (i) of this paragraph.

15 (iii) The Montgomery County Board of License Commissioners may
16 not grant under this paragraph more than two exemptions to the same person or for use
17 of the same partnership, corporation, unincorporated association, or limited liability
18 company in Montgomery County, except that a licensee that holds the maximum number
19 of licenses permitted under paragraphs (4) and (6) of this subsection may be granted only
20 one exemption.]

21 9-102.1.

22 (A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

23 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.

26 (3) "LICENSE" MEANS A CLASS B (HOTEL-RESTAURANT OR
27 HOTEL-MOTEL) BEER, WINE AND LIQUOR ON-SALE ONLY LICENSE.

28 (4) "ORIGINAL LICENSE" MEANS A CLASS B LICENSE AS SET FORTH IN §
29 6-201(Q) OF THIS ARTICLE.

30 (C) AFTER MAKING AN APPLICATION AND PAYING THE FEES, THE HOLDER
31 OF AN ORIGINAL LICENSE MAY OBTAIN THE ADDITIONAL LICENSE OR LICENSES
32 AUTHORIZED BY THIS SECTION.

33 (D) (1) A LICENSEE MAY OBTAIN ADDITIONAL LICENSES FOR PREMISES
34 OPERATED AS A PUBLIC HOTEL.

35 (2) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:

36 (I) MEET THE MINIMUM REQUIREMENTS SET FORTH IN §
37 6-201(A)(3) OF THIS ARTICLE. IF THE CAPITAL INVESTMENT IN THE HOTEL EXCEEDS

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1 \$3,000,000, THE BUILDING HEIGHT AND ELEVATOR REQUIREMENTS REQUIRED BY
2 THAT SECTION DO NOT APPLY; AND

3 (II) HAVE A MINIMUM RESTAURANT SEATING CAPACITY, AS
4 SPECIFIED IN § 6-201(A)(3) OF THIS ARTICLE, OF 100 PERSONS.

5 (E) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
6 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
7 IDENTIFICATION PURPOSES, THE ADDITIONAL LICENSE MAY BE REFERRED TO AS A
8 "3-YEAR" LICENSE.

9 (2) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:

10 (I) HAVE THE APPLICANT'S PLACE OF BUSINESS LOCATED IN THIS
11 STATE;

12 (II) HAVE BEEN THE HOLDER OF A LICENSE FOR AT LEAST 3
13 YEARS;

14 (III) OPERATE A RESTAURANT, AS DEFINED BY REGULATIONS OF
15 THE BOARD;

16 (IV) HAVE A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR
17 RESTAURANT FACILITIES, EXCLUDING THE COST OF LAND AND BUILDINGS; AND

18 (V) HAVE A SEATING CAPACITY OF AT LEAST 125 PERSONS.

19 (3) THIS IS AN ON-SALE LICENSE ONLY.

20 (F) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
21 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
22 IDENTIFICATION PURPOSES, THIS ADDITIONAL LICENSE MAY BE REFERRED TO AS A
23 "SILVER SPRING" LICENSE.

24 (2) THE RESTAURANT SHALL BE LOCATED BOTH WITHIN:

25 (I) CBD ZONED PROPERTY IN SILVER SPRING; AND

26 (II) AN ENCLOSED MALL HAVING AT LEAST 250,000 SQUARE FEET
27 OF GROSS FLOOR AREA.

28 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE
29 FOR 3 YEARS DOES NOT APPLY TO THIS SUBSECTION.

30 (4) THE BOARD MAY GRANT A MAXIMUM OF TWO LICENSES OF THIS
31 TYPE TO DIFFERENT APPLICANTS.

32 (G) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
33 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
34 IDENTIFICATION PURPOSES, THIS ADDITIONAL LICENSE MAY BE REFERRED TO AS A
35 "ROCKVILLE-MAJOR MALL" LICENSE.

36 (2) THE RESTAURANT SHALL BE LOCATED EITHER WITHIN:

5

1 (I) CBD ZONED PROPERTY WITHIN THE ROCKVILLE TOWN
2 CENTER MIXED USE DISTRICT; OR

3 (II) AN ENCLOSED RETAIL MALL ANYWHERE IN THE COUNTY
4 THAT HAS AT LEAST 700,000 SQUARE FEET OF GROSS FLOOR AREA.

5 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE
6 FOR 3 YEARS DOES NOT APPLY TO THIS SUBSECTION.

7 (4) THE BOARD MAY GRANT TO DIFFERENT APPLICANTS A MAXIMUM
8 OF:

9 (I) TWO LICENSES OF THIS TYPE FOR USE IN THE ROCKVILLE
10 TOWN CENTER MIXED USE DISTRICT; AND

11 (II) ONE LICENSE OF THIS TYPE FOR USE IN EACH RETAIL MALL
12 HAVING AT LEAST 700,000 SQUARE FEET OF GROSS FLOOR AREA.

13 (H) (1) THIS SUBSECTION EXCLUDES ADDITIONAL LICENSES ISSUED
14 PURSUANT TO SUBSECTION (D) OF THIS SECTION, WHICH RELATES TO PUBLIC
15 HOTELS.

16 (2) THIS SECTION DOES NOT PERMIT THE ISSUANCE TO A PERSON OR
17 FOR THE USE OF ANY PARTNERSHIP, CORPORATION, UNINCORPORATED
18 ASSOCIATION, OR LIMITED LIABILITY COMPANY OF MORE THAN THE NUMBER OF
19 LICENSES SPECIFIED.

20 (3) ADDITIONAL RESTAURANT LICENSES MAY BE ISSUED AS FOLLOWS:

21 (I) INCLUDING THE ORIGINAL LICENSE, THE MAXIMUM NUMBER
22 OF LICENSES IS FOUR.

23 (II) THE MAXIMUM NUMBER OF LICENSES MAY BE OBTAINED AS
24 FOLLOWS:

25 1. ORIGINAL LICENSE;

26 2. PURSUANT TO SUBSECTION (E) OF THIS SECTION, ONE
27 3-YEAR RESTAURANT LICENSE;

28 3. PURSUANT TO SUBSECTION (F) OF THIS SECTION, ONE
29 SILVER SPRING RESTAURANT LICENSE; AND

30 4. PURSUANT TO SUBSECTION (G) OF THIS SECTION, ONE
31 ROCKVILLE-MAJOR MALL RESTAURANT LICENSE.

32 (III) THREE LICENSES MAY BE OBTAINED AS FOLLOWS:

33 1. ORIGINAL LICENSE;

34 2. PURSUANT TO SUBSECTION (F) OF THIS SECTION, ONE
35 SILVER SPRING RESTAURANT LICENSE; AND

36 3. PURSUANT TO SUBSECTION (G) OF THIS SECTION, ONE
37 ROCKVILLE-MAJOR MALL RESTAURANT LICENSE.

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1 (IV) THREE LICENSES MAY ALSO BE OBTAINED AS FOLLOWS:

2 1. ORIGINAL LICENSE;

3 2. PURSUANT TO SUBSECTION (E) OF THIS SECTION, ONE
4 3-YEAR RESTAURANT LICENSE; AND

5 3. PURSUANT TO SUBSECTION (F) OR SUBSECTION (G) OF
6 THIS SECTION, ONE SILVER SPRING OR ONE ROCKVILLE-MAJOR MALL RESTAURANT
7 LICENSE.

8 9-102.2.

9 [(1)] (A) [Notwithstanding any other provision of this section, the] THE
10 Director or Deputy Director of the Montgomery County Parks Department of the
11 Maryland-National Capital Park and Planning Commission may hold more than 1 of the
12 following alcoholic beverages licenses for the limited use of public golf courses that are
13 under the Commission's jurisdiction in Montgomery County:

14 [(i)] (1) A Class H beer (on-sale) license; or

15 [(ii)] (2) A Class H beer and light wine (on-sale) license.

16 [(2) (i)] (B) (1) As a condition to holding any license under this
17 [subsection] SECTION, the Director or Deputy Director shall designate an individual
18 with respect to each golf course to complete training in an alcohol awareness program
19 approved under § 13-101 of this article.

20 [(ii)] (2) The individual designated by the Director or Deputy Director
21 shall:

22 [1.] (I) Represent the concessionaire; and

23 [2.] (II) Be involved with the management of the sale of beer or
24 light wine by the concessionaire at the golf course.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the intent of this Act is to
26 revise, without substantive change, the provisions of § 9-102(a-2) and (a-3) of Article 2B
27 and the provisions of this Act do not in any manner affect any license or licenses issued
28 pursuant to the provisions of § 9-102(a-2) or (a-3) of Article 2B of the Annotated Code
29 of Maryland.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1997.